

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4707 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GOVINDBHAI S THAKOR

Versus

AHMEDABAD MUNICIPAL CORPORATION

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Appearance:

MR KS ACHARYA for the Petitioner

MR MUKESH PATEL for the Respondent.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/09/96

ORAL JUDGEMENT

1. Heard learned counsel for the petitioner. The petitioner who is working as Assistant X-Ray Technician in the Corporation, filed this writ petition before this court wherein the prayer has been made that the respondent may be directed to give him the pay-scale of 330-560 with effect from 1-1-1976. The arbitrator to which the dispute regarding the revision of pay-scale of the employees of the Corporation was referred, has

recommended that pay scale of Rs.260-430 for the category of the post of Assistant Technicians.

2. The counsel for the petitioner contended that subsequently this award has been modified and the recommendation of the pay of Rs.260-430 for Jr. Technicians was ordered to be corrected and they were recommended to be given the pay-scale of Rs.330-560. All other Jr. Technicians were given this pay-scale, but the petitioner has not been given and as such he has approached this court.

3. The respondent is unable to give out any justification for making this discrimination among the Junior/Assistant Technicians. The pay-scale has been prescribed for Assistant Technicians and Jr. Technicians. I do not consider it appropriate to go on the merits of the case at this stage. It is rather a matter to be dealt with and decided by the Corporation after hearing the petitioner and going through the record and the award of the arbitrator.

4. The interest of justice will be met in case this Special Civil Application is disposed of in terms that the petitioner may make a representation to the respondent Corporation regarding the grievance made by him in this Special Civil Application within a period of two months from today and respondent-Corporation shall decide the said representation within a period of three months on receipt thereof after hearing the petitioner. In case the representation of the petitioner finds favour with the Corporation then the petitioner shall be entitled for all the consequential benefits. Rule discharged. No costs.

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